

WASHINGTON POST
29 NOVEMBER 1977ARTICLE APPEARED
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Claytor Cites Information Act in Ordering Probe of Leak

By George C. Wilson

Washington Post Staff Writer

Navy Secretary W. Graham Claytor has cited the Freedom of Information Act in justifying to subordinates his order to investigate the leak of budget information to the press.

Thomas B. Ross, who as assistant secretary of defense for public affairs is under orders to provide the "new openness in government" promised by President Carter, said yesterday he was not consulted before Claytor issued his order.

Claytor, in a memo to Navy executives, stated his philosophy this way: "Premature or indiscriminate release of internal data used in the decision-making process can only disrupt the orderly conduct of business and complicate the management process."

Claytor, who joined the Carter team as Navy secretary in February after serving as president of Southern Railway, said in his Nov. 4 memo that he considers the premature release of information "detrimental to the Department of the Navy."

The news story that prompted him to order the Naval Investigative Service to search for the sources appeared in the Oct. 31 issue of Aviation Week magazine. The article compared the life-cycle costs of the AV-8B advanced Harrier and the A-18 attack aircraft. The Marine Corps is fighting for money for the Harrier in current budget discussions.

Claytor conceded in his memo denying the leak that the information published "may not be classified." But he said "it is, at this point in time, internal, departmental information being staffed for accuracy and consistency prior to release to the Secretary of Defense."

The Navy secretary said in his memo that "it is necessary that we have the ability to examine freely all aspects of our major decisions without threat of compromise or early disclosure."

"It is expressly to protect this process that the Freedom of Information Act exempts such internal working documents from automatic release."

The House Government Operations Committee, in listing the purposes of the FOIA, said in its legislative history published in 1975 that "if government is to be truly of, by and for the people, the people must know all the activities of the government."

The intent of the 1974 law, said the committee, was that all information

Defense Secretary Harold Brown issued a memo June 22 on "principles of public information." In it, he said "President Carter has pledged a new openness in government" which the Pentagon will "seek at all times to fulfill."

Brown's principles, as set forth in his memo, do not extend to Claytor's argument that information must not be released for fear of disrupting "the orderly conduct of business."

Said Brown in his public information memo: "Information will not be classified or otherwise withheld to protect the government from criticism or embarrassment."

Navy sources said Claytor was embarrassed by the cost comparisons of the two Marine rival aircraft getting into print before the material had been sent to Brown. They added that Claytor acted hastily on his own in or-

dering the Navy to find out who leaked the information rather than consulting with his information specialists.

Ross said the Defense Department is keeping hands off the Navy investigation into the leaked budget figures. But he said the Defense Investigative Service began an internal Pentagon investigation three weeks ago in hopes of finding out who gave secret information to Aviation Week on particle-beam technology.

Ross said yesterday that neither the Navy nor the defense investigation extends to reporters, just to military and civilian Pentagon employees.

In another memo that critics contend contrasts with Carter's campaign statements of an open administration, David Aaron, a White House national security assistant, has written the fol-

lowing to the State Department, Pentagon, Arms Control and Disarmament Agency, Central Intelligence Agency and Joint Chiefs of Staff:

"In order to assure that data and analyses provided to the Congress on strategic forces and programs of both the U.S. and the Soviet Union are consistent and represent the best judgment of the executive branch, all responses to requests from the Congress for such material should be cleared through the SALT [strategic arms limitation talks] Working Group," an in-

Rep. Robin Beard (R-Tenn.), chairman of the House Republican defense task force, has charged that Aaron's

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